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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,322	08/21/2003	Eugene A. Gregerson	3349.1004-001	7578

21005 7590 02/09/2005

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
530 VIRGINIA ROAD  
P.O. BOX 9133  
CONCORD, MA 01742-9133

EXAMINER

KEANEY, ELIZABETH MARIE

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/645,322

**Applicant(s)**

GREGERSON ET AL.

**Examiner**

Elizabeth Keaney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-47 is/are allowed.
- 6) ☒ Claim(s) 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/22/03; 12/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: IDS filed 10/07/04; 11/5/04.

## **DETAILED ACTION**

### ***Specification***

The use of the trademark Siremobil Iso-c3d on page 1, line 20 of the specification has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Siczek et al. (US Patent 5,014,292; hereinafter Siczek).

Siczek discloses in figure 2 and throughout the disclosure, a gantry supporting an imaging system, the gantry (3) being translatable in three different directions (1,2,3; as shown below on the figure) and rotatable about two different axes (column 3, lines 25-29; the vertical/tilted plan passing through a patient's body and the longitudinal axis of the elongated support member).

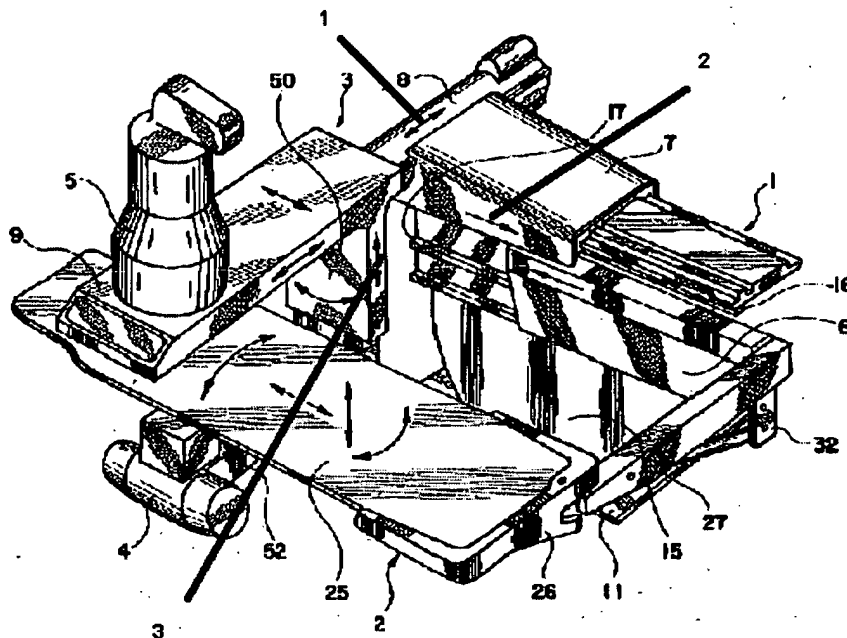


Fig. 2

***Allowable Subject Matter***

Claims 1-47 are allowable over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Re claims 1-18: The best prior art of record discloses a gantry positioning apparatus comprising most of the features as claimed in claim 1, including three linear

positioners for translating the gantry in three orthogonal directions and a single positioner for rotating the gantry about a first and second axis. However, the prior art fails to teach or fairly suggest a gantry positioning apparatus comprising a first rotary positioner for rotating the gantry about a first axis relative to the support structure and a second rotary positioner for rotating the gantry about a second axis relative to the support structure, as claimed in claim 1. Claims 2-18 are allowable by virtue of their dependency.

Re claims 19 and 39-42: The best prior art of record discloses an imaging apparatus and method comprising: a generally o-shaped gantry having a radiation source and a detector; a support structure, a gantry positioning apparatus that secures the gantry to the support structure in a cantilevered manner and a processor which receives imaging data from the detector. However, the prior art fails to teach or fairly suggest the gantry positioning apparatus and method of an imaging apparatus, translating the gantry to multiple positions in a direction that is substantially parallel to the central axis of the gantry; and the processor obtaining the data received in the multiple gantry positions, wherein the processor combines the data to extend the field of view of the imaging system in the direction of gantry translation, as claimed in claim 19. Claims 40-42 are allowable by virtue of their dependency.

Re claims 20-26 and 35-38: The best prior art of record discloses an imaging apparatus and method comprising most of the features claimed in claims 20,25 and 35, including a control system that actuates the gantry positioning apparatus to rotate about the first axis and translate in the directions of a second and third axis. However, the

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prior art fails to teach or fairly suggest an imaging apparatus and method comprising a control system that actuates the gantry positioning apparatus to rotate about the first axis and translate in the directions of the second and third axes so as to approximate a rotation of the gantry about a focal spot of the radiation source or about the isocentric axis of the gantry, as claimed in claims 20 and 25. Claims 21-24, 26 and 36-38 are allowable by virtue of their dependency.

Re claims 27-34 and 43-47: The best prior art of record discloses an imaging apparatus and method comprising most of the features claimed in claim 27, including a positioning apparatus operable to translate the gantry in two perpendicular directions. However, the prior art fails to teach or fairly suggest an imaging apparatus and method comprising a control system that actuates the gantry positioning apparatus to translate the gantry in coordination with the rotation of the source and detector, such that, for a rotational position of the source and detector, the detector is tangent to a virtual circle centered on the and containing the object being imaged, where the virtual circle has a diameter that is less than the interior diameter of the gantry, as claimed in claim 27. Claims 28-34 and 44-47 are allowable by virtue of their dependency.

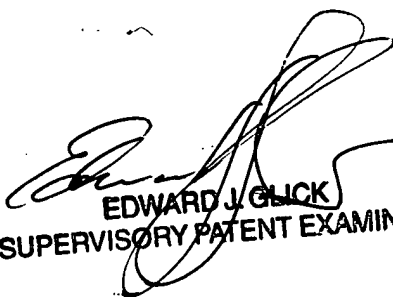
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Keaney whose telephone number is (571)272-2489. The examiner can normally be reached on Monday-Thursday 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571)272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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EDWARD J. GLICK  
SUPERVISORY PATENT EXAMINER